

# **EXHIBIT B**

**General Docket**  
**United States Court of Appeals for the Ninth Circuit**

<b>Court of Appeals Docket #:</b> 14-56834 <span style="float: right;"><b>Docketed:</b> 11/21/2014</span>			
<b>Nature of Suit:</b> 3890 Other Statutory Actions			
Jordan Marks v. Crunch San Diego, LLC			
<b>Appeal From:</b> U.S. District Court for Southern California, San Diego			
<b>Fee Status:</b> Paid			
<b>Case Type Information:</b>			
1) civil			
2) private			
3) null			
<b>Originating Court Information:</b>			
<b>District:</b> 0974-3 : <a href="#">3:14-cv-00348-BAS-BLM</a>			
<b>Court Reporter:</b> Dana Yvonne Peabody			
<b>Trial Judge:</b> Cynthia A. Bashant, District Judge			
<b>Date Filed:</b> 02/14/2014			
<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>
10/24/2014	10/24/2014	11/20/2014	11/20/2014
<b>Prior Cases:</b>			
None			
<b>Current Cases:</b>			
None			

<p>JORDAN MARKS, individually and on behalf of all others similarly situated</p> <p style="padding-left: 40px;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>CRUNCH SAN DIEGO, LLC</p> <p style="padding-left: 40px;">Defendant - Appellee,</p>	<p>Abbas Kazerounian, Attorney Direct: 800-400-6808 [COR LD NTC Retained] Kazerouni Law Group, APC Suite D1 245 Fischer Avenue Costa Mesa, CA 92626</p> <p>Todd M. Friedman Direct: 877-206-4741 [COR NTC Retained] Law Offices of Todd M. Friedman Suite 725 324 S. Beverly Drive Beverly Hills, CA 90212</p> <p>Jason Ibey Direct: 800-400-6808 [COR NTC Retained] Kazerouni Law Group, APC Suite D1 245 Fischer Avenue Costa Mesa, CA 92626</p> <p>Joshua Swigart Direct: 619-233-7770 [COR NTC Retained] Hyde &amp; Swigart 2221 Camino Del Rio South Suite 101 San Diego, CA 92108</p> <p>Ian Charles Ballon, Attorney Direct: 310-586-6575 [COR LD NTC Retained] Greenberg Traurig LLP 1840 Century Park East Suite 1900 Los Angeles, CA 90067</p>
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JORDAN MARKS, individually and on behalf of all others similarly situated,

Plaintiff - Appellant,


v.


CRUNCH SAN DIEGO, LLC,


Defendant - Appellee.


11/21/2014	 <a href="#">1</a> 16 pg, 369.32 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 11/28/2014. Transcript ordered by 12/22/2014. Transcript due 01/20/2015. Appellant Jordan Marks opening brief due 03/02/2015. Appellee Crunch San Diego, LLC answering brief due 03/30/2015. Appellant's optional reply brief is due 14 days after service of the answering brief. [9321804] (IV) [Entered: 11/21/2014 10:06 AM]
11/21/2014	 <a href="#">2</a>	Added attorney Joshua Swigart, Todd M. Friedman for Jordan Marks, in case 14-56834. [9321814] (IV) [Entered: 11/21/2014 10:09 AM]
11/24/2014	 <a href="#">7</a>	Deleted Incorrect Entry (Entered in Wrong Case). Notice about deletion sent to case participants registered for electronic filing. [9329868] (RR) [Entered: 11/28/2014 03:57 PM]
11/25/2014	 <a href="#">3</a> 2 pg, 116.75 KB	Filed (ECF) notice of appearance of Lori Chang for Appellee Crunch San Diego, LLC. Date of service: 11/25/2014. [9326194] [14-56834] (Chang, Lori) [Entered: 11/25/2014 12:13 PM]
11/25/2014	 <a href="#">4</a>	Added attorney Lori Chang for Crunch San Diego, LLC, in case 14-56834. [9326648] (KB) [Entered: 11/25/2014 02:34 PM]
11/26/2014	 <a href="#">5</a> 3 pg, 174.19 KB	Filed (ECF) Appellee Crunch San Diego, LLC Mediation Questionnaire. Date of service: 11/26/2014. [9328969] [14-56834] (Chang, Lori) [Entered: 11/26/2014 04:01 PM]
11/28/2014	 <a href="#">6</a> 3 pg, 1.34 MB	Filed (ECF) Appellant Jordan Marks Mediation Questionnaire. Date of service: 11/28/2014. [9329780] [14-56834] (Kazerounian, Abbas) [Entered: 11/28/2014 03:12 PM]
12/15/2014	 <a href="#">8</a> 2 pg, 95.33 KB	Filed Mediation order: This case is under consideration for inclusion in the Mediation Program. By 12/29/2014, counsel for all parties intending to file briefs in this matter are requested to inform the Circuit Mediator by email of their clients' views on whether the issues on appeal or the underlying dispute might be amenable to settlement presently or in the foreseeable future. This communication will be kept confidential, if requested... This communication should not be filed with the court... The existing briefing schedule remains in effect... [9348934] (VS) [Entered: 12/15/2014 10:18 AM]
12/31/2014	 <a href="#">9</a> 2 pg, 133.93 KB	Received Appellant Jordan Marks designation of reporter's transcript form. [9368266] (CW) [Entered: 01/02/2015 11:00 AM]
01/05/2015	 <a href="#">10</a> 1 pg, 80.64 KB	Filed Mediation order: This case is not selected for inclusion in the Mediation Program. [9369283] (VS) [Entered: 01/05/2015 08:37 AM]
03/02/2015	 <a href="#">11</a>	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Jordan Marks. New requested due date is 04/01/2015. [9439888] [14-56834] (Kazerounian, Abbas) [Entered: 03/02/2015 08:11 AM]
03/02/2015	 <a href="#">12</a>	<b>Streamlined request [11] by Appellant Jordan Marks to extend time to file the brief is approved. Amended briefing schedule: Appellant Jordan Marks opening brief due 04/01/2015. Appellee Crunch San Diego, LLC answering brief due 05/01/2015. The optional reply brief is due 14 days from the date of service of the answering brief.</b> [9440646] (KM) [Entered: 03/02/2015 12:08 PM]
03/13/2015	 <a href="#">13</a> 10 pg, 221.81 KB	Filed (ECF) Appellee Crunch San Diego, LLC and Appellant Jordan Marks Joint Motion to extend time to file Opening brief until 11/02/2015. Date of service: 03/13/2015. [9457363] [14-56834] (Chang, Lori) [Entered: 03/13/2015 04:12 PM]
03/16/2015	 <a href="#">14</a> 1 pg, 32.95 KB	Filed order (Appellate Commissioner): The joint motion to extend the briefing schedule is granted. The opening brief is due November 2, 2015; the answering brief is due December 15, 2015; and the optional reply brief is due within 14 days after service of the answering brief. The provisions of Ninth Circuit Rule 31-2.2(a) shall not be applicable to the due dates for the principal briefs; any Rule 31-2.2(b) to further extend the due date of a principal brief is disfavored. (Pro Mo) [9458872] (MS) [Entered: 03/16/2015 01:41 PM]
11/02/2015	 <a href="#">15</a> 129 pg, 1.61 MB	Submitted (ECF) Opening Brief for review. Submitted by Appellant Jordan Marks. Date of service: 11/02/2015. [9740913] [14-56834] (Kazerounian, Abbas) [Entered: 11/02/2015 11:20 AM]
11/02/2015	 <a href="#">16</a> 289 pg, 9.82 MB	Submitted (ECF) excerpts of record. Submitted by Appellant Jordan Marks. Date of service: 11/02/2015. [9740926] [14-56834] --[COURT UPDATE: Attached excerpts of record Vol 2. 11/02/2015 by TYL] (Kazerounian, Abbas) [Entered: 11/02/2015 11:24 AM]
11/02/2015	 <a href="#">17</a>	COURT DELETED INCORRECT ENTRY. Merged with entry 16. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: <a href="#">16</a> . Original Text: Submitted (ECF) excerpts of record. Submitted by Appellant Jordan Marks. Date of service: 11/02/2015. [9740931] [14-56834] (Kazerounian, Abbas) [Entered: 11/02/2015 11:25 AM]
11/02/2015	 <a href="#">18</a> 9 pg, 642.41 KB	Filed (ECF) Appellant Jordan Marks Motion to take judicial notice of Plaintiff-Appellant's Exhibits A and B. Date of service: 11/02/2015. [9740965] [14-56834] (Kazerounian, Abbas) [Entered: 11/02/2015 11:32 AM]
11/02/2015	 <a href="#">19</a> 2 pg, 187.42 KB	Filed clerk order: The opening brief <a href="#">15</a> submitted by Jordan Marks is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record


[16] submitted by Jordan Marks. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9741976] (KT) [Entered: 11/02/2015 04:09 PM]


11/06/2015  20 Received 7 paper copies of Opening brief [15] filed by Jordan Marks. [9748105] (SD) [Entered: 11/06/2015 03:15 PM]


11/06/2015  21 Filed Appellant Jordan Marks paper copies of excerpts of record [16] in 2 volume(s). [9750070] (KT) [Entered: 11/09/2015 04:41 PM]


12/15/2015  22 Submitted (ECF) Answering Brief for review. Submitted by Appellee Crunch San Diego, LLC. Date of service: 12/15/2015. [9794132] [14-56834] (Ballon, Ian) [Entered: 12/15/2015 11:33 PM]  
340 pg, 1.86 MB


12/15/2015  23 Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Crunch San Diego, LLC. Date of service: 12/15/2015. [9794133] [14-56834] (Ballon, Ian) [Entered: 12/15/2015 11:39 PM]  
279 pg, 3.09 MB


12/16/2015  24 Filed clerk order: The answering brief [22] submitted by Crunch San Diego, LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the supplemental excerpts of record [23] submitted by Crunch San Diego, LLC. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9794780] (KT) [Entered: 12/16/2015 11:05 AM]  
2 pg, 186.92 KB


12/17/2015  25 Received 7 paper copies of Answering brief [22] filed by Crunch San Diego, LLC. [9797458] (SD) [Entered: 12/17/2015 03:01 PM]


12/17/2015  26 Filed Appellee Crunch San Diego, LLC paper copies of supplemental excerpts of record [23] in 1 volume. [9798482] (KT) [Entered: 12/18/2015 11:45 AM]


12/22/2015  27 Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Sirius XM Radio Inc.. Date of service: 12/22/2015. [9801921] [14-56834] (Dvoretzky, Shay) [Entered: 12/22/2015 10:33 AM]  
37 pg, 267.93 KB


12/22/2015  28 Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by ACA International. Date of service: 12/22/2015. [9802714] [14-56834] (Melendez, Brian) [Entered: 12/22/2015 03:04 PM]  
28 pg, 878.57 KB


12/23/2015  29 Entered appearance of Amici Curiae Sirius XM Radio Inc. and ACA International. [9803369] (KT) [Entered: 12/23/2015 09:24 AM]


12/23/2015  30 Filed clerk order: The amicus brief [27] submitted by Sirius XM Radio Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9803373] (KT) [Entered: 12/23/2015 09:25 AM]  
2 pg, 187.23 KB


12/23/2015  31 Filed clerk order: The amicus brief [28] submitted by ACA International is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9803382] (KT) [Entered: 12/23/2015 09:26 AM]  
2 pg, 186.51 KB


12/28/2015  32 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellant Jordan Marks. New requested due date is 01/12/2016. [9805782] [14-56834] (Ibey, Jason) [Entered: 12/28/2015 07:17 AM]












12/28/2015  33 Received 7 paper copies of Amicus brief [27] filed by Sirius XM Radio Inc.. [9806807] (SD) [Entered: 12/28/2015 01:37 PM]

12/28/2015  34 **Streamlined request [32] by Appellant Jordan Marks to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 01/12/2016.** [9807190] (KM) [Entered: 12/28/2015 03:34 PM]

12/29/2015  35 Received 7 paper copies of Amicus brief [28] filed by ACA International. [9808575] (SD) [Entered: 12/29/2015 01:21 PM]

01/11/2016  38 Filed Appellant Jordan Marks motion to file under seal. Deficiencies: None. Served on 01/08/2016. [9825051]--[Edited: Per 01/06/2017 Order [66], motion to seal and Exhibits A-C, E-F, H-K made public and Exhibits D and G are stricken as withdrawn. Per 12/14/2016 Order [63], Exhibit L remains under seal. 01/06/2017 by RY] (KT) [Entered: 01/12/2016 04:00 PM]  
98 pg, 1.95 MB
















01/12/2016  36 Submitted (ECF) Reply Brief for review. Submitted by Appellant Jordan Marks. Date of service: 01/12/2016. [9824062] [14-56834] (Kazerounian, Abbas) [Entered: 01/12/2016 10:54 AM]  
38 pg, 428.92 KB

01/12/2016	 <a href="#">37</a> 65 pg, 9.71 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellant Jordan Marks. Date of service: 01/12/2016. [9824119] [14-56834] (Kazerounian, Abbas) [Entered: 01/12/2016 11:12 AM]
01/26/2016	 <a href="#">39</a> 1 pg, 33.43 KB	Filed clerk order (Deputy Clerk: TAH): The appellant's motion for leave to file documents under seal and any future related filings are referred for disposition to the panel that considers the merits of the case. 9th Cir. R. 27-13(b). The appellant's further excerpts of record will be maintained provisionally under seal pending the resolution of the motion. [9839790] (ANL) [Entered: 01/26/2016 09:09 AM]
02/10/2016	 <a href="#">40</a> 5 pg, 159.96 KB	Filed (ECF) Appellant Jordan Marks Correspondence: Letter To Clerk of The Court Concerning Plaintiff-Appellant's Motion To Seal and Supplemental Excerpts of Record. Date of service: 02/10/2016 [9861816] [14-56834] (Kazerounian, Abbas) [Entered: 02/10/2016 04:02 PM]
02/19/2016	 <a href="#">41</a> 1 pg, 33.12 KB	Filed clerk order (Deputy Clerk: CB): The clerk is in receipt of appellant's letter motion to correct the January 26, 2016 order. The motion to file the documents appended to the motion to seal is referred for resolution to the panel that will consider the merits of the appeal. The documents will be provisionally maintained under seal pending resolution of the motion. The further excerpts of record shall be maintained in the public record. [9871451] (AF) [Entered: 02/19/2016 02:34 PM]
06/17/2016	 <a href="#">42</a>	<p>This case is being considered for the October 2016 Pasadena oral argument calendar. The exact date of your oral argument has not been determined at this time.</p> <p>The following is a link to the upcoming court sessions: <a href="http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf">http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf</a>.</p> <p>Please review these upcoming dates <i>immediately</i> to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (<b>Type of Document:</b> File Correspondence to Court; <b>Subject:</b> regarding availability for oral argument).</p> <p>The Court discourages motions to continue after this 3-day period.</p> <p>The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>Note that your case will be set for hearing in due course if it is not assigned to this calendar.</p> <p>In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (Type of Document: File Correspondence to Court; Subject: request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[10019017] (AW) [Entered: 06/17/2016 10:13 AM]</p>
06/20/2016	 <a href="#">43</a> 1 pg, 218.42 KB	Filed (ECF) Appellee Crunch San Diego, LLC Correspondence: regarding availability for oral argument. Date of service: 06/20/2016 [10022052] [14-56834] (Ballon, Ian) [Entered: 06/20/2016 06:06 PM]
07/26/2016	 <a href="#">44</a>	<p>This case is being considered for the November 2016 Pasadena oral argument calendar. The exact date of your oral argument has not been determined at this time.</p> <p>The following is a link to the upcoming court sessions: <a href="http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf">http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf</a>.</p> <p>Please review these upcoming dates <i>immediately</i> to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (<b>Type of Document:</b> File Correspondence to Court; <b>Subject:</b> regarding availability for oral argument).</p> <p>The Court discourages motions to continue after this 3-day period.</p> <p>The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>Note that your case will be set for hearing in due course if it is not assigned to this calendar.</p> <p>In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (Type of Document: File Correspondence to Court; Subject: request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[10063676] (AW) [Entered: 07/26/2016 02:04 PM]</p>
07/28/2016	 <a href="#">45</a> 1 pg, 184.98 KB	Filed (ECF) Appellee Crunch San Diego, LLC Correspondence: Regarding availability for oral argument.. Date of service: 07/28/2016 [10067881] [14-56834] (Ballon, Ian) [Entered: 07/28/2016 05:05 PM]
08/04/2016	 <a href="#">46</a> 3 pg, 92.3 KB	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 08/04/2016. [10076445] [14-56834] (Kazerounian, Abbas) [Entered: 08/04/2016 05:54 PM]
08/08/2016	 <a href="#">47</a> 2 pg, 207.92 KB	Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 08/08/2016 [10079486] [14-56834]--[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 08/09/2016 by SLM] (Ballon, Ian) [Entered: 08/08/2016 03:17 PM]
08/25/2016	 <a href="#">48</a> 2 pg, 187.2 KB	Filed clerk order: The reply brief <a href="#">[36]</a> submitted by Jordan Marks is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover





		color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [37] submitted by Jordan Marks. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10100635] (LA) [Entered: 08/25/2016 11:22 AM]
08/29/2016	■ 49	<p>This case is being considered for the December 2016 Pasadena oral argument calendar. The exact date of your oral argument has not been determined at this time.</p> <p>The following is a link to the upcoming court sessions: <a href="http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf">http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf</a>.</p> <p>Please review these upcoming dates <i>immediately</i> to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (<b>Type of Document:</b> File Correspondence to Court; <b>Subject:</b> regarding availability for oral argument).</p> <p>The Court discourages motions to continue after this 3-day period.</p> <p>The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.</p> <p>Note that your case will be set for hearing in due course if it is not assigned to this calendar.</p> <p>In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (Type of Document: File Correspondence to Court; Subject: request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[10104179] (AW) [Entered: 08/29/2016 10:41 AM]</p>
08/31/2016	■ 50	Received 7 paper copies of Reply Brief [36] filed by Jordan Marks. [10108116] (SD) [Entered: 08/31/2016 11:34 AM]
08/31/2016	■ 51	Filed 4 paper copies of supplemental excerpts of record [37] in 1 volume(s) filed by Appellant Jordan Marks. [10109455] (KT) [Entered: 09/01/2016 09:19 AM]
09/01/2016	■ 52 1 pg, 150.6 KB	Filed (ECF) Appellee Crunch San Diego, LLC Correspondence: regarding availability for oral argument. Date of service: 09/01/2016 [10109828] [14-56834] (Ballon, Ian) [Entered: 09/01/2016 11:24 AM]
09/26/2016	■ 53	<p>Notice of Oral Argument on Tuesday, December 6, 2016 - 09:00 A.M. - Courtroom 3 - Pasadena CA.</p> <p>View the Oral Argument Calendar for your case <a href="#">here</a>.</p> <p>Be sure to review the <a href="#">GUIDELINES</a> for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).</p> <p>When you have reviewed the calendar, download the <a href="#">ACKNOWLEDGMENT OF HEARING NOTICE form</a>, complete the form, and file it via Appellate ECF or return the completed form to: PASADENA Office. [10137637] (DJW) [Entered: 09/26/2016 04:17 PM]</p>
09/28/2016	■ 54 1 pg, 569.81 KB	Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Mr. Seyed Abbas Kazerounian for Appellant Jordan Marks. [10141247] [14-56834] (Kazerounian, Abbas) [Entered: 09/28/2016 05:20 PM]
09/29/2016	■ 55 1 pg, 89.84 KB	Filed (ECF) Acknowledgment of hearing notice. Location: Pasadena. Filed by Attorney Ian Charles Ballon for Appellee Crunch San Diego, LLC. [10143174] [14-56834] (Ballon, Ian) [Entered: 09/29/2016 04:47 PM]
11/15/2016	■ 56 7 pg, 182.6 KB	Filed (ECF) Appellant Jordan Marks Motion to continue hearing of case. Date of service: 11/15/2016. [10198295] [14-56834] (Kazerounian, Abbas) [Entered: 11/15/2016 05:07 PM]
11/18/2016	■ 57 1 pg, 152.74 KB	Filed (ECF) Appellee Crunch San Diego, LLC Correspondence: Appellee notifies Court of its intentions to oppose Plaintiff-Appellant's Motion for Continuance of Oral Argument and to file its written opposition on Monday, 11-21-2016.. Date of service: 11/18/2016 [10203724] [14-56834] (Ballon, Ian) [Entered: 11/18/2016 05:08 PM]
11/22/2016	■ 58 12 pg, 55.39 KB	Filed (ECF) Appellee Crunch San Diego, LLC response opposing motion ([56] Motion (ECF Filing), [56] Motion (ECF Filing) motion to continue hearing). Date of service: 11/22/2016. [10208124] [14-56834] (Ballon, Ian) [Entered: 11/22/2016 05:43 PM]
11/28/2016	■ 59 1 pg, 32.08 KB	Filed clerk order (Deputy Clerk: WL): Appellant's motion for continuance of oral argument is denied. [10211466] (WL) [Entered: 11/28/2016 10:37 AM]
12/01/2016	■ 60 8 pg, 313.37 KB	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 12/01/2016. [10217255] [14-56834] (Kazerounian, Abbas) [Entered: 12/01/2016 11:57 AM]
12/06/2016	■ 61	ARGUED AND SUBMITTED TO CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA. [10221714] (BG) [Entered: 12/06/2016 10:42 AM]





12/14/2016	 <a href="#">62</a> 1 pg, 40.82 KB	Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA) Submission is vacated and deferred pending the D.C. Circuit decision in ACA International v. Federal Communications Commission, et al., No. 15-1211 (argued on October 19, 2016). [10232435] (Trierweiler, Nicole) [Entered: 12/14/2016 09:26 AM]
12/14/2016	 <a href="#">63</a> 2 pg, 34.16 KB	Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA) Appellant's January 11, 2016 motion to seal is GRANTED as to Exhibit L to the motion to seal (the unredacted version of select pages from the transcript of the deposition of Wais Asefi). Pursuant to Interim Ninth Circuit Rule 27-13(e), appellant is ordered to submit a supplemental brief explaining the specific reasons appellant seeks to file Exhibits D, G, and I under seal and describing the potential for irreparable injury in the absence of such relief. The supplemental brief shall not exceed five pages or 1400 words and shall be filed within 14 days of the filing date of this order. Appellee may file a response within 7 days of the filing date of appellant's supplemental brief. The response shall not exceed five pages or 1400 words. Parties who are registered for ECF must file the brief electronically without submission of paper copies. Parties who are not registered ECF filers must file the original brief plus 7 paper copies. [10232449] (Trierweiler, Nicole) [Entered: 12/14/2016 09:32 AM]
12/22/2016	 <a href="#">64</a> 45 pg, 1.08 MB	Submitted (ECF) Supplemental Brief for review. Submitted by Appellant Jordan Marks. Date of service: 12/22/2016. [10244629] [14-56834] --[COURT UPDATE: Attached corrected brief. 12/23/2016 by TYL] (Kazerounian, Abbas) [Entered: 12/22/2016 04:30 PM]
12/23/2016	 <a href="#">65</a> 1 pg, 182.77 KB	Filed clerk order: The supplemental brief <a href="#">[64]</a> submitted by Jordan Marks is filed. Pursuant to the order filed on December 14, 2016 <a href="#">[63]</a> , no paper copies of the brief are required. [10245141] (KT) [Entered: 12/23/2016 09:45 AM]
01/06/2017	 <a href="#">66</a> 1 pg, 32.26 KB	Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA) Appellant's January 11, 2016, motion to seal is DENIED as to Exhibits D, G, and I to the motion to seal. Appellant's request that all of paragraph 14 of A.S.E.R. 021-022 be stricken from the public record is DENIED. Appellant's request that Exhibits D and G to the motion to seal be withdrawn is GRANTED. [10257252] (WL) [Entered: 01/06/2017 12:07 PM]
03/19/2018	 <a href="#">67</a> 55 pg, 367.77 KB	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 03/19/2018. [10802836] [14-56834] (Kazerounian, Abbas) [Entered: 03/19/2018 09:21 AM]
03/20/2018	 <a href="#">68</a>	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: <a href="#">[69]</a> . Original Text: Filed (ECF) Appellee Crunch San Diego, LLC Correspondence: Response to Notice of Supplemental Authority [ECF Dkt. No. 67-1]. Date of service: 03/20/2018 [10806476] [14-56834] (Ballon, Ian) [Entered: 03/20/2018 08:22 PM]
03/20/2018	 <a href="#">69</a> 2 pg, 170.56 KB	Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 03/20/2018. [10806582] --[COURT ENTERED FILING to correct entry <a href="#">[68]</a> .] (TYL) [Entered: 03/21/2018 08:55 AM]
03/22/2018	 <a href="#">70</a> 2 pg, 33.58 KB	Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA): Appellant is ordered to submit a brief addressing the effect, if any, of ACA International, et al., v. Federal Communications Commissions and United States of America, No. 15-1211 (decided on March 16, 2018) on the issues raised in this case. The brief shall be no longer than ten pages or 2800 words and shall be submitted within 30 days of the filed date of this order. Appellee shall file a 10-page answering brief within 14 days of the filed date of appellant's brief. Appellant may file a 5-page optional reply within 7 days of the filed date of appellee's brief. All briefs shall conform to the format requirements of Rule 32(a)(4), (5) and (6), Federal Rules of Appellate Procedure. Parties who are registered for ECF must file the brief electronically without submission of paper copies. Parties who are not registered ECF filers must file the original brief plus 7 copies. [10808879] (AF) [Entered: 03/22/2018 01:27 PM]
04/20/2018	 <a href="#">71</a> 17 pg, 295.48 KB	Submitted (ECF) Supplemental Brief for review. Submitted by Appellant Jordan Marks. Date of service: 04/20/2018. [10845504] [14-56834] (Kazerounian, Abbas) [Entered: 04/20/2018 03:28 PM]
04/20/2018	 <a href="#">72</a> 1 pg, 182.67 KB	Filed clerk order: The supplemental brief <a href="#">[71]</a> submitted by Jordan Marks is filed. Pursuant to the order <a href="#">[70]</a> filed on March 22, 2018, no paper copies of the brief are required. [10845539] (KT) [Entered: 04/20/2018 03:36 PM]
05/04/2018	 <a href="#">73</a> 4 pg, 54.47 KB	Filed (ECF) Amicus Curiae Sirius XM Radio Inc. Motion to file supplemental brief. Date of service: 05/04/2018. [10862030] [14-56834] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type and removed brief (refiled in entry <a href="#">[74]</a> ). 5/4/2018 by TYL] (Dvoretzky, Shay) [Entered: 05/04/2018 11:57 AM]
05/04/2018	 <a href="#">74</a> 21 pg, 143.66 KB	Submitted (ECF) Supplemental Brief for review. Submitted by Amicus Curiae Sirius XM Radio Inc.. Date of service: 05/04/2018. [10862256] --[COURT ENTERED FILING to correct entry <a href="#">[73]</a> .] (TYL) [Entered: 05/04/2018 02:06 PM]
05/04/2018	 <a href="#">75</a> 16 pg, 368.36 KB	Submitted (ECF) Supplemental Brief for review. Submitted by Appellee Crunch San Diego, LLC. Date of service: 05/04/2018. [10862555] [14-56834] (Ballon, Ian) [Entered: 05/04/2018 03:31 PM]
05/04/2018	 <a href="#">76</a> 1 pg, 182.68 KB	Filed clerk order: The supplemental brief <a href="#">[75]</a> submitted by Crunch San Diego, LLC is filed. Pursuant to the order <a href="#">[70]</a> filed on March 22, 2018, no papers copies of the brief are required. [10862609] (KT) [Entered: 05/04/2018 03:31 PM]


05/04/2018 03:48 PM]


05/07/2018  [77](#) Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA) The Motion of Sirius XM Radio, Inc. for Leave to File a Supplemental Brief as amicus curiae is GRANTED. The supplemental brief submitted on May 4, 2018, shall be deemed filed as of the date of this order. [10863051] (WL) [Entered: 05/07/2018 09:15 AM]  
1 pg, 31.33 KB


05/07/2018  [78](#) Filed clerk order: The supplemental amicus brief [\[74\]](#) submitted by Sirius XM Radio Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: tan. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10863438] (KT) [Entered: 05/07/2018 11:14 AM]  
2 pg, 187.38 KB


05/09/2018  [79](#) Received 7 paper copies of Supplemental Brief [\[74\]](#) filed by Sirius XM Radio Inc. (sent to panel). [10866876] (DB) [Entered: 05/09/2018 11:54 AM]


05/11/2018  [80](#) COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entries: [\[84\]](#) and [\[85\]](#). Original Text: Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by ACA International in Support of Appellee and Affirmance. Date of service: 05/11/2018. [10869774] [14-56834] (Melendez, Brian) [Entered: 05/11/2018 12:23 PM]


05/11/2018  [81](#) Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA) The Motion of ACA International for Leave to File a Supplemental Brief as amicus curiae is GRANTED. The supplemental brief submitted on May 11, 2018, shall be deemed filed as of the date of this order. [10870182] (WL) [Entered: 05/11/2018 03:27 PM]  
1 pg, 30.93 KB


05/11/2018  [82](#) Submitted (ECF) Supplemental Brief for review. Submitted by Appellant Jordan Marks. Date of service: 05/11/2018. [10870189] [14-56834] (Kazerounian, Abbas) [Entered: 05/11/2018 03:29 PM]  
10 pg, 222.53 KB


05/11/2018  [83](#) Filed clerk order: The supplemental brief [\[82\]](#) submitted by Jordan Marks is filed. Pursuant to the order [\[70\]](#) filed on March 22, 2018, no papers copies of the brief are required. [10870202] (KT) [Entered: 05/11/2018 03:37 PM]  
1 pg, 182.69 KB


05/11/2018  [84](#) Filed (ECF) Amicus Curiae ACA International Motion to file supplemental brief. Date of service: 05/11/2018. [10870212]--[COURT ENTERED FILING to correct entry [80].] (SLM) [Entered: 05/11/2018 03:44 PM]  
11 pg, 147.8 KB


05/11/2018  [85](#) Submitted (ECF) Supplemental Brief for review. Submitted by Amicus Curiae ACA International. Date of service: 05/11/2018. [10870215]--[COURT ENTERED FILING to correct entry [80].] (SLM) [Entered: 05/11/2018 03:45 PM]  
22 pg, 426.66 KB


05/14/2018  [86](#) Filed clerk order: The supplemental amicus brief [\[85\]](#) submitted by ACA International is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: tan. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10872116] (KT) [Entered: 05/14/2018 04:56 PM]


05/16/2018  [87](#) Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 05/16/2018. [10873893] [14-56834] (Kazerounian, Abbas) [Entered: 05/16/2018 08:46 AM]  
19 pg, 268.48 KB


05/16/2018  [88](#) Received 7 paper copies of Supplemental Amicus Brief [\[85\]](#) filed by ACA International (sent to panel). [10874929] (DB) [Entered: 05/16/2018 02:36 PM]

05/18/2018  [89](#) Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 05/18/2018. [10878509] [14-56834] (Ballon, Ian) [Entered: 05/18/2018 04:27 PM]  
2 pg, 398.71 KB










05/21/2018  [90](#) Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by National Consumer Law Center and National Association of Consumer Advocates. Date of service: 05/21/2018. [10879880] [14-56834] --[COURT UPDATE: Attached brief. 5/21/2018 by TYL] (Rossman, Stuart) [Entered: 05/21/2018 01:31 PM]  
28 pg, 503.12 KB

05/21/2018  [91](#) COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[90\]](#). Original Text: Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by National Consumer Law Center and National Association of Consumer Advocates. Date of service: 05/21/2018. [10879883] [14-56834] (Rossman, Stuart) [Entered: 05/21/2018 01:33 PM]

05/21/2018  [92](#) Entered appearance of Amici Curiae - Pending NCLC and NACA. [10880409] (KT) [Entered: 05/21/2018 03:47 PM]

05/22/2018  [93](#) Filed order (CONSUELO M. CALLAHAN, CARLOS T. BEA and SANDRA S. IKUTA) The Motion of the National Consumer Law Center and the National Association of Consumer Advocates for Leave to File a Supplemental Brief as amicus curiae is GRANTED. Dkt. No. [\[90\]](#). The supplemental brief submitted on May 21, 2018, shall be deemed filed as of the date of this order. [10880831] (WL) [Entered: 05/22/2018 09:13]  
1 pg, 31.71 KB

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05/22/2018	 <a href="#">94</a>	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 05/22/2018. [10881421] [14-56834] (Kazerounian, Abbas) [Entered: 05/22/2018 12:28 PM]
	6 pg, 157.68 KB	
05/22/2018	 <a href="#">95</a>	Filed clerk order: The supplemental amicus brief <a href="#">[90]</a> submitted by NACA and NCLC is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: tan. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10882112] (KT) [Entered: 05/22/2018 04:22 PM]
	2 pg, 186.62 KB	
05/25/2018	 <a href="#">96</a>	Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 05/25/2018. [10886477] [14-56834] (Ballon, Ian) [Entered: 05/25/2018 02:43 PM]
	2 pg, 416.41 KB	
05/29/2018	 <a href="#">97</a>	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 05/29/2018. [10888564] [14-56834]--[COURT UPDATE: Attached searchable version of response letter. 05/30/2018 by RY] (Ibey, Jason) [Entered: 05/29/2018 04:29 PM]
	2 pg, 518.04 KB	
05/30/2018	 <a href="#">98</a>	Received 7 paper copies of Supplemental Amicus Brief <a href="#">[90]</a> filed by NACA and NCLC. (sent to panel) [10889741] (SD) [Entered: 05/30/2018 01:42 PM]
06/21/2018	 <a href="#">99</a>	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 06/21/2018. [10917072] [14-56834] (Kazerounian, Abbas) [Entered: 06/21/2018 10:11 AM]
	9 pg, 469 KB	
06/27/2018	 <a href="#">100</a>	Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 06/27/2018. [10924278] [14-56834] (Ballon, Ian) [Entered: 06/27/2018 01:23 PM]
	2 pg, 90.06 KB	
06/28/2018	 <a href="#">101</a>	Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 06/28/2018. [10925995] [14-56834] (Ballon, Ian) [Entered: 06/28/2018 01:55 PM]
	7 pg, 625.02 KB	
06/29/2018	 <a href="#">102</a>	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 06/29/2018. [10927123] [14-56834] (Ibey, Jason) [Entered: 06/29/2018 11:21 AM]
	2 pg, 222.89 KB	
06/29/2018	 <a href="#">103</a>	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 06/29/2018. [10927145] [14-56834] (Ibey, Jason) [Entered: 06/29/2018 11:31 AM]
	25 pg, 406.31 KB	
07/06/2018	 <a href="#">104</a>	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: <a href="#">[105]</a> . Original Text: Filed (ECF) Appellee Crunch San Diego, LLC Correspondence: Crunch response to Appellant's Notice of New Authority (Dkt 103-1). Date of service: 07/06/2018 [10933843] [14-56834] (Ballon, Ian) [Entered: 07/06/2018 02:53 PM]
07/06/2018	 <a href="#">105</a>	Filed (ECF) Appellee Crunch San Diego, LLC citation of supplemental authorities. Date of service: 07/06/2018. [10934074] --[COURT ENTERED FILING to correct entry [104] .] (TYL) [Entered: 07/06/2018 03:57 PM]
	2 pg, 99.4 KB	
07/13/2018	 <a href="#">106</a>	Filed (ECF) Appellant Jordan Marks citation of supplemental authorities. Date of service: 07/13/2018. [10941429] [14-56834] (Ibey, Jason) [Entered: 07/13/2018 10:30 AM]
	1 pg, 224.01 KB	

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